

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

CAPITOL RECORDS, INC., a Delaware Corporation; WARNER BROS. RECORDS, INC., a Delaware Corporation; ARISTA RECORDS, INC., a Delaware Corporation; BMG MUSIC, a New York general partnership; SONY MUSIC ENTERTAINMENT, INC., a Delaware Corporation; and UMG RECORDINGS, INC., a Delaware corporation,

Plaintiffs,

CIVIL ACTION No. 04-CV-40168 FDS

v.

JIM FITZPATRICK,

Defendant.

**PLAINTIFFS' ASSENTED-TO MOTION FOR EXTENSION OF TIME
TO COMPLETE FACT DISCOVERY**

Plaintiffs Capitol Records, Inc., Warner Bros. Records, Inc., Arista Records, Inc., BMG Music, Sony Music Entertainment, Inc., and UMG Recordings, Inc. (collectively, "Plaintiffs") hereby request that the deadlines to complete all fact discovery be extended from April 30, 2005 until May 29, 2005, prior to and exclusive of the time necessary to complete any expert discovery in this matter. Counsel for the Defendant has indicated his assent to this motion.

In support thereof, the Plaintiffs state:

1. On November 23, 2004, the Court conducted a status conference in this matter. At the conference, the Court issued a Scheduling Order setting a date of April 30, 2005 for the parties to complete all non-expert related depositions and fact discovery.

2. Defendant maintains that the conduct at issue in this matter was committed by unknown other individuals.

3. The parties agree that formal and informal discovery needs to be obtained in relation to the conduct at issue and that the parties require additional time for discovery with respect to whether the Defendant was involved in the conduct at issue or whether, as the Defendant maintains, other individuals are in fact responsible for that conduct.

4. Neither party will be prejudiced by the requested extensions, and they are necessary in light of the need for additional discovery.

WHEREFORE, the Plaintiffs respectfully request that the parties be permitted to extend the deadlines to complete all fact discovery, exclusive of any additional period of time necessary for expert discovery, from April 30, 2005 until May 29, 2005.

Respectfully submitted,

/s/ Gabriel M. Helmer

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Dated: April 29, 2005

ATTORNEYS FOR PLAINTIFFS

CERTIFICATION OF COUNSEL

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for Plaintiffs conferred with counsel for Defendant Jim Fitzpatrick on April 25, 2005 in good faith attempt to resolve the issues raised in this motion, and Attorney Gaffney indicated his assent to this motion.

/s/ Gabriel M. Helmer
Gabriel M. Helmer

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of April, 2005, I caused a true copy of the above document to be served upon the counsel for Jim Fitzpatrick by mail.

/s/ Gabriel M. Helmer
Gabriel M. Helmer